

***United States Court of Appeals  
for the Second Circuit***



**PETITION FOR  
REHEARING**



**United States Court of Appeals**

FOR THE SECOND CIRCUIT

Docket Nos. 75-7287, 75-7320,  
75-7325, and 75-7363

UNITED BANK LIMITED,  
*Plaintiff-Appellee-Appellant,*  
—against—

COSMIC INTERNATIONAL, INC.,  
*Defendant-Appellee.*

JANATA BANK and AMIN JUTE MILLS, LTD.,  
*Plaintiffs-Appellants,*  
—against—

COSMIC INTERNATIONAL, INC. and IRVING TRUST COMPANY,  
*Defendants-Appellees.*

SONALI BANK and NISHAT JUTE MILLS, LTD.,  
*Plaintiff-Appellants,*  
—against—

IRVING TRUST COMPANY and COSMIC INTERNATIONAL, INC.,  
*Defendant-Appellees.*

NISHAT JUTE MILLS, LTD. and NATIONAL BANK OF PAKISTAN,  
*Plaintiffs-Appellees-Appellants,*  
—against—

COSMIC INTERNATIONAL, INC.,  
*Defendant-Appellee.*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

**PETITION FOR REHEARING**

JOHN S. ROGERS  
*Attorney for Appellee-Petitioner*  
One Battery Park Plaza  
New York, N. Y. 10004

BURLINGHAM, UNDERWOOD & LORD

by: JOHN S. ROGERS  
JOHN G. INGRAM  
*of Counsel*





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*Defendants-Appellees.*

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PETITION FOR REHEARING





1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It contains a report on the state of the Union and the progress of the war.

2. The second part of the document is a report from the Secretary of the Treasury, dated January 3, 1862. It contains a report on the state of the Treasury and the progress of the war.

3. The third part of the document is a report from the Secretary of the Interior, dated January 3, 1862. It contains a report on the state of the Interior and the progress of the war.

4. The fourth part of the document is a report from the Secretary of the Navy, dated January 3, 1862. It contains a report on the state of the Navy and the progress of the war.

\*This report arrived in printing after November 2. Date corrected: 2 additional weeks.



ring. Tinsley was involved in placing the state under the control of the court almost as soon as the complaint was filed. Tinsley actively sought discharge by the court as a stakeholder.

**4. Furthermore, Nevada stands for the principle that interest should run from the date the complaint was filed and not from the date of damage.**

If Nevada's position, then the Trial Court properly computed interest from the date the complaint was filed. The trial court in *Marshall v. Feltz, Cox and Group, Inc.*, *supra*, at 1212-13, held that interest started on the date the first suit was filed. This Court specifically upheld this ground in *Marshall v. Feltz*, *supra*, at 1174. There is nothing in *Frankel v. Republic of Cuba*, 44 U.S.A.W. 36, --- 1-2, --- (1976) which alters this determination.

It may be that interest was awarded from the date of the suit and because an appeal was taken from this determination. *United Fruit Ltd.*, *supra*, footnote 14. However this Court may wish to determine whether a possible outcome of an appeal not presented is adequate authority to support a reversal of the trial judge's discretion.

## III.

Conclusion: this petition for a rehearing should be granted and the judgment on interest in favor of United Bank Ltd. should be vacated.

Respectfully submitted,

JOHN S. ROGERS  
*Attorney for Appellant-Petitioner*  
*Appellee*

BURLINGHAM, UNDERWOOD & LORD

by: JOHN S. ROGERS  
JOHN G. INGRAM  
*of Counsel*

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DEWINE, CONNELLY, CHASE, CROCKFELL & WOOD

Attorneys for NCP  
Date 10/14/76 3:30 pm

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CARTER, LEDYARD, & ELLERSON  
Attorneys for Amick Bank Ltd

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LEON, WEILL & MAHONY